THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.21733 of 2005

Date:17.10.2005

Hazarath Ameruddin College of Education.

----------Petitioner

The State of A.P., rep. by its Secretary, School Education Department, Secretariat Buildigns, Hyderabad and others.

----------Respondents

ORDER:

The petitioner is a college of education and it is accorded minority status. The admissions for one year B.Ed., Course for the current academic year commenced way back in April 2005 and the last date initially notified for completion of admissions was 11.06.2005. Thereafter, the dates were extended and the last date stipulated for closure of admissions was 29.08.2005. The B.Ed.,Course is divided into four methodologies viz., Mathematics, Physical Science, Biological Science and Social Studies. The number of students to be admitted against each methodology is also stipulated. G.O.Ms.No.26, School Education (Trg-A1) Department, dated 03.02.2005 (for short 'G.O.'), provides for filling up of vacant seats in one methodology by the minority candidates belonging to the other methodologies, with the prior approval of the Regional Joint Director of School Education.

The petitioner states that there existed some vacant seats in the methodologies of Mathematics, Physical Science and Biological Science and it proposed to add them to the seats allocated for the Social Studies methodology. According to it, a representation was made on 22.05.2005 to the 3rd respondent seeking permission as per G.O. and since there was no response, the qualified candidates were admitted. On 10.06.2005 itself, the 3rd respondent rejected the proposal and the same was affirmed by the 2nd respondent. The petitioner challenges the action of the respondents and seeks appropriate direction in this

regard.

Sri V.Mallik, the learned counsel for the petitioner submits that the 3rd respondent did not act upon the representation of the petitioner to take necessary action as per Rule 6 (c) of G.O. and that the appellate authority viz., 2nd respondent directed the 3rd respondent to take further steps. He contends that in spite of such a direction, the 3rd respondent rejected the application on a non-existent ground and contrary to the admissions schedule.

The learned Government Pleader for School Education, on the other hand, submits that the very action of the petitioner in admitting the candidates belonging to one methodology against the vacant seats in other methodologies, without obtaining prior permission is contrary to G.O. and that there is no provision for approval or regularization of the irregular admissions.

The petitioner was allotted some candidates by the Convener against various methodologies. In addition to such candidates, the petitioner admitted the candidates on its own accord against the respective methodologies. But despite the same, some seats remained unfilled in the respective methodologies against 85% Minority Quota. Rule 6 (c) of G.O. reads as under:

> 6(c) If seats are vacant in any methodology due to non-availability of minority candidates in that methodology, such vacant seats shall be filled with the Minority candidates belonging to other methodology as per merit with prior permission of Regional Joint Director of school Education concerned duly producing all relevant records.

From a reading of the same, it is made clear that the vacant seats in a particular methodology can be filled by the minority candidates belonging to other methodologies after obtaining permission from the Regional Joint Director of School Education. The question of admitting such candidates even before such a permission is accorded does not arise and if any admissions are made without such permission, they cannot be recognized in law.

The petitioner may have a genuine grievance, if there was any undue inaction on the part of the 3rd respondent in considering the application seeking permission to fill the candidates of one methodology against the vacant seats in another methodology. In such an event, he has to approach the concerned

higher authority or this Court, which, in turn, must entail in grant of permission by the 3rd respondent. Till such permission is accorded, the petitioner does not get any right to undertake the admissions as provided for under Rule 6(c) of G.O. Therefore, the very representation, dated 10.06.2005, cannot be said to be in accordance with the G.O., inasmuch as it was filed for an *ex post facto* approval and not for prior permission. Therefore, this Court does not find any illegality in the action of respondents 2 and 3 in not according approval.

The learned counsel for the petitioner submits that the representation of the petitioner can be treated as the one for according approval, so that the petitioner can admit the candidates afresh, on the basis of such approval. This Court finds difficult to accede to such a request, on account of the fact that almost half of the course is completed, and the admissions cannot be effected in the middle of the academic year.

For the foregoing reasons, the writ petition is dismissed. There shall be no order as to costs.

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17.10.2005

Jsu